

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HENRY ESPEJO, individually and on behalf of all others similarly situated,

Plaintiff,

v.

SANTANDER CONSUMER USA, INC., an Illinois corporation,

Defendant.

FAYE LEVINS, individually and on behalf of all others similarly situated,

Plaintiff,

v.

SANTANDER CONSUMER USA, INC., an Illinois corporation,

Defendant.

Case No.: 1:11-cv-08987

Honorable Charles P. Kocoras

Magistrate Judge Sidney I. Schenkier

Case No.: 1:12-cv-09431

Honorable Charles P. Kocoras

Magistrate Judge Sidney I. Schenkier

**PLAINTIFF LEVINS' UNOPPOSED MOTION FOR
LEAVE TO FILE DOCUMENTS UNDER SEAL**

Plaintiff Faye Levins (“Plaintiff”), individually and on behalf of a class of similarly situated individuals, hereby respectfully moves the Court, without opposition from Defendant Santander Consumer USA, Inc. (“Defendant”), for an Order granting her leave to file certain documents under seal, either in whole or in part, in conjunction with her Motion for Class Certification, (dkt. 100). In support of the instant motion, Plaintiff states as follows:

1. In order to adequately support her Motion for Class Certification, Plaintiff’s Memorandum in Support of Motion for Class Certification (the “Memorandum”) and the accompanying Declaration of Jay Edelson (the “Edelson Declaration”), will refer to, quote, and attach, certain documents designated by Defendant as “Confidential” pursuant to the protective

order entered in this case on October 22, 2014, (*Espejo* dkt. 106), or containing Plaintiff's personally identifiable information, specifically, her telephone number(s).

2. In particular, the following exhibits containing confidential information are attached to the Edelson Declaration:

- **Exhibit A** – Excerpts of the Transcript of the Rule 30(b)(6) Deposition of Wayne Nightengale, taken in the related *Espejo* matter on October 22, 2014.
- **Exhibit B** – Financing documents relating to Faye Levins's Drive Financial loan, produced by Santander in discovery in this case bearing bates numbers SCUSA/B 0035 through SCUSA/B 0074.
- **Exhibit C** – Excerpts of the Transcript of the Deposition of Mark Mooney.
- **Exhibit E** – Excerpts of a document titled "Santander Consumer USA Inc. Fair Debt Collection Practices Act Policy Including State Debt Collection Laws, Revision and Publication Date: February 2010," produced by Santander in discovery in the related *Espejo* action bearing bates numbers SCUSA/E 8536 through SCUSA/E 8554.
- **Exhibit F** – Excerpts of the Transcript of the Deposition of Joseph Burda.
- **Exhibit G** – Excerpts of a document titled "Unified Director User Guide," produced by Santander in the related *Espejo* action bearing bates numbers SCUSA/E 0120 through SCUSA/E 0721.
- **Exhibit I** – Excerpts of the Transcript of the Rule 30(b)(6) Deposition of Mark Nerials.
- **Exhibit J** – Activity notes for Plaintiff Faye Levins's account, produced by Santander in this action bearing bates numbers SCUSA/B 00001 through SCUSA/B 00034.
- **Exhibit K** – Excerpts of a document produced by Santander in the related *Espejo* action bearing bates numbers SCUSA/E 8587 through SCUSA/E 9087.
- **Exhibit L** – Excerpts of the Transcript of the Deposition of Faye Levins.
- **Exhibit M** – A document produced as part of T-Mobile, Inc.'s Response to Santander's May 20, 2015 subpoena to produce documents.
- **Exhibit O** – Excerpts of the Transcript of the Deposition of Michele Rodgers.

3. The Parties agree that these materials contain non-public, business-sensitive, or

proprietary information and information Defendant may be obligated to keep confidential pursuant to agreements with third parties. Accordingly, Plaintiff seeks to file them entirely under seal.

4. Given that Plaintiff's Memorandum discusses the contents of Exhibits A, B, C, E, F, G, I, J, K, L, M, and O, Plaintiff also seeks to file that document partially under seal.

5. Pursuant to the Court's Local Rules, Plaintiff will promptly submit to the Court in chambers, in a sealed envelope—bearing the caption of the case, case number, the title of the motion to which the submitted confidential information pertains, and the name and telephone number of counsel submitting the documents—unredacted copies of the Memorandum and Exhibits A, B, C, E, F, G, I, J, K, L, M, and O to the Edelson Declaration.

6. Prior to filing the instant motion, the Parties conferred (through counsel) regarding the relief requested herein, and Plaintiff is authorized to state that Defendant has no opposition to the same.

WHEREFORE, Plaintiff Faye Levins, individually on behalf of a class of similarly situated individuals, respectfully requests that the Court enter an Order (i) granting her leave to file Exhibits A, B, C, E, F, G, I, J, K, L, M, and O to the Edelson Declaration submitted in support of her Motion for Class Certification entirely under seal, (ii) granting her leave to file her Memorandum in Support of Motion for Class Certification partially under seal, and (iii) providing such other and further relief as the Court deems reasonable and just.

Respectfully submitted,

FAYE LEVINS, individually and on behalf of all others similarly situated,

By: s/ J. Dominick Larry
One of Plaintiff's Attorneys

Dated: April 22, 2016

Jay Edelson
jedelson@edelson.com
Benjamin H. Richman
brichman@edelson.com
J. Dominick Larry
nlarry@edelson.com
EDELSON PC
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

Rafey S. Balabanian
rbalabanian@edelson.com
EDELSON PC
329 Bryant Street, Suite 2C
San Francisco, California 94107
Tel: 415.234.5342
Fax: 415.373.9435

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2016, I served the above and foregoing by causing a true and accurate copy of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

s/ J. Dominick Larry